

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cr-188-MOC-1**

**UNITED STATES OF AMERICA,**

**vs.**

**PAUL BAALERUD,**

Defendant.

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**ORDER**

**THIS MATTER** comes before the Court on Defendant’s pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 76). Defendant, a 60-year-old white male currently incarcerated at FCI Forrest City Low in Forrest City, Arizona, seeks a reduction of his sentence based on the COVID-19 pandemic. Defendant seeks release based on his age and current medical conditions—hypothyroidism, high cholesterol, and recent hernia surgery. He also alleges, without any medical documentation, that he “has recently tested positive for COVID-19 virus and has suffered the symptoms of the virus since May 21, 2020.” (Doc. No. 76 at 1).

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on “extraordinary and compelling reasons.” Defendant’s release is not appropriate because he cannot establish “extraordinary and compelling reasons [to] warrant such a reduction” under Section 3582(C)(1)(A)(i). Moreover, the Court notes that the BOP denied Defendant’s request on May 22, 2020, noting that his circumstances do not warrant granting him early release.<sup>1</sup> (Doc. No. 76 at 2). The BOP is in a better position than the district courts to determine whether an individual defendant’s circumstances and the prison environment warrant

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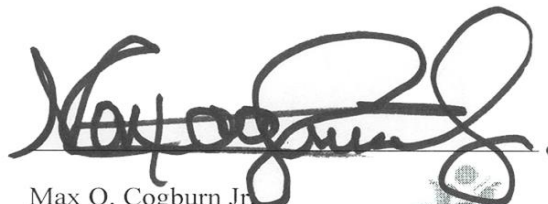
<sup>1</sup> Defendant claims he has tested positive for COVID-19, but that was after he submitted his BOP request. Defendant may certainly file a renewed request with the BOP if he has, indeed, tested positive since first requesting relief from the BOP.

relief due to coronavirus concerns. Furthermore, Defendant has not submitted any medical records to substantiate the medical conditions from which he has suffered. Thus, this Court finds, as did the BOP, that Defendant has not established extraordinary and compelling reasons to warrant a sentence reduction at this time. For these reasons, the motion is denied.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 76), is **DENIED**.

Signed: June 29, 2020



Max O. Cogburn Jr.  
United States District Judge

